



TOWN OF SALISBURY
Office of the BOARD OF APPEALS
5 BEACH ROAD
SALISBURY, MASSACHUSETTS 01952
978-462-7839

February 9th, 2016

MINUTES

7:05 P.M.

Members Present:

Susan Pawlisheck, Derek DePetrillo, Linda Tremblay, Kevin Henderson, Joseph Stucker

Both Applicants agreed that the New Business 18 Carter Avenue should go first.

New Business

Case No. 16-01

Patricia Donovan

18 Carter Avenue (Map 35 Lot 159)

Request for a Variance to remove existing home and construct a new home on pile foundation

Mr. Ron Laffely, architect representing the Applicant Patricia Donovan, discusses that the Applicant has owned this home for 20 years and wants to renovate. Because the property is 50% of market value, they need. This new building will meet all zoning and building codes except the front sunroom. This will step outside the existing foundation but will reduce all existing nonconformities. The house must be on piles because it is in a flood zone. Front setback is 20' and going to 10' but all other setbacks will now be conforming.

Chairwoman Susan Pawlisheck asks if this is a demolition. Mr. Laffely explains that they must remove everything including foundation and fill in with sand to reach ground level before building.

NO ABUTTERS PRESENT

Derek DePetrillo makes a motion to grant the Variance based on condition of soil, lot shape, topography, and size. Kevin Henderson seconds the motion. Joseph Stucker, Linda Tremblay, and Susan Pawlisheck vote to approve. 5 in favor, 0 opposed. Motion passes.

Old Business

Case No. 15-19

Greater Newburyport YWCA

29 Elm Street (Map 2 Lot 45)

Request for a Special Permit: Comprehensive 40B to construct a 16 unit rental housing development.

Case No. 15-20

**Greater Newburyport YWCA
18 Maple Street (Map 6 Lot 38)**

Request for a Special Permit: Comprehensive 40B to construct 26 rental housing units.

Attorney Paul Haverty is representing the Applicant. Chairwoman Pawlisheck opens both cases at once.

In February, the Town and Applicants held a workshop in order to express concerns, gain clarification, and learn more about the cases. Chairperson Pawlisheck explains that they discussed everything from lighting to snow removal to parking, which resulted in new plans and potential solutions. One of the issues of concern for the Board and 18 Maple Street abutters was parking. Town bylaws require 2 parking spots per apartment. Attorney Haverty explains that the YWCA procured a piece of property in order to provide six extra spots. The existing structure will be removed before the purchase is completed. It will be grass pavement. This provides 1.5 spaces per apartment. He believes it is very unlikely that every apartment will require two spots, so these 39 total spaces will be ample.

Lisa Pearson explains that there is a new park behind the elementary school. She attended the Parks & Rec meeting. This department is cognizant of the issue of parking at 18 Maple Street and the numerous sports games are being moved to this park to relieve the potential traffic in the area. These areas will always remain fields, but there will be less impact on the property.

Chairwoman Pawlisheck states that another issue was storm water. Brian Murray, from Millennium Engineering, explains that they have adjusted plans in order to address this concern. They will raise the berm six inches at 29 Elm Street before soil perc tests occur.

At the 18 Maple Street site, calculations show that there is less water being directed to Park Street by this project. There also will not be as much run off onto the abutters' properties. Because of vegetation and soil build up, the runoff will head towards Park Street. According to Mr. Murray there is no current issue of flooding on Park Street.

Board member Linda Tremblay asks about if they were planning on moving the dumpsters. Mr. Murray explains that the original reason to move the dumpster was to add a parking space at Maple Street. They instead moved the parking space.

Chairwoman Pawlisheck asks if there will be screening for the dumpsters. Mr. Murray explains that there will be chain-link fence, and their intent was to have slats to provide solid coverage. This is not currently reflected in the most up to date plans. They are more than 40 feet from the abutter's properties. Chairwoman Pawlisheck asks for a summary about the traffic report. The traffic report expert is confident that the increase will be 11% worst case scenario. This closely meets her 9% estimation.

Chairwoman Pawlisheck asks about lighting. Mr. Murray explains that at the Elm Street site, there will be low lighting in the form of ballads. They have doubled from 4 to 8. At Maple Street, they were relying on street lights to provide splash back of light onto the property. They can incorporate bollards into the final design of the site. Chairwoman Pawlisheck asks about headlights lighting houses. The trajectory of the street is a downward slope. There could be some illumination of house but lessened. There will also be spotlights on the playground that is motion sensitive. Attorney Haverty says that there may also be landscaping on abutters' property to prevent lights entering their property. The Applicants will submit the names of landscaping companies that could do the landscaping.

Attorney Haverty explains that there is a provision upon a draft of the plan that addresses bus service at Elm Street. The bus would need to be year round before a bus stop was put in. Louis Rosso explains that this must be a scheduled bus stop. Mrs. Lisa Pearson that the bus stops along Beach Road as necessary for people. Chairwoman Pawlisheck explains that they want to condition the bus.

Chairwoman Pawlisheck asks about mail delivery. They were planning on adding mail boxes inside the vesicles on both properties. There will be two at Elm Street because of the two buildings and one at Maple Street.

The DPW wants to video the pipes. A company puts a camera in the drain pipes to assess their current condition. The Applicant agreed to this as part of the project.

There is an encroachment issue on the pavement at 29 Elm Street. Mr. Murray explains that this is 1-2' from the abutting property. They will remove the pavement within the property, preferably before the Applicant gains the site.

Board member Derek DePetrillo asks about snow storage. Mr. Murray explains they have moved trees to the front of Maple Street to help with snow storage on the side of the building. At Elm Street, nothing has changed except for some issues with drainage.

Board member Linda Tremblay asks about coin-operated laundry access. At Elm Street, there is a common area on each floor. At Maple Street, there is a common area on the first floor. Mrs. Tremblay asks about green areas around the properties. Mr. Murray says this is difficult as they are lacking enough area. The snow storage site could be a green area. People will still be able to walk over to the fields. She also asks about the Little Red School House being historic and the school buildings. Mrs. Pearson explains that the initial requirements for redeveloping the Spaulding School was to preserve the historic nature of the building and match it. They are utilizing what is there. The Little Red School House has almost no value because of how long it has been abandoned. They do not have a plan to move it. The town will sell the property vacant. The Applicant is working with a historic consultant. They will be restoring the building to its original state in a historically-sensitive manner.

Attorney Tony Papoulias Jr has questions about the 29 Elm Street water drainage. They would like an opportunity to review the information about the water drainage and address their concerns. He asks about the volume and rate of flow. Mr. Murray explains that they are not increasing the volume of water flow in order to meet the Storm Water standards and DPW standards. Maintaining the rate as it is, they do not increase the volume of water at any time. Attorney Papoulias asks that if the rate is increased, is the volume over time then increased? This is true, and they will be testing the soil's perc rate in the future. Maple Street site will be going before the Conservation Committee, and these concerns will be addressed then as well. Attorney Haverty, explains that all detailed final design plans must be submitted before any construction commences or building permit is issued.

ABUTTERS

Courtney Hutchinson, LSW for abused children and woman, believes that there is a need for this project. 40% of the families she sees do not have vehicles, so they would benefit from the bus transportation and opportunity to begin again.

Chairwoman Pawlisheck explains that this is a project designed to help the town and community. A 40B is comprehensive and will allow people to build on smaller properties and in other situations because it is in the best interest of the town. Every single case is evaluated on an individual level. Mrs. Pearson explains that there is a need for density of housing in this area whereas areas such as Mudnock do not require as much housing. Salisbury has not met the 10% threshold of affordable housing, so they are not at a whim to deny this; it is better for them to work with the Applicants in order to meet standards as necessary.

Chairwoman Pawlisheck says that a few more issues from tonight need to be incorporated in the final decision. Attorney Haverty explains that the Applicant has no further evidence to submit. They would like for the next meeting to address any questions and make the decision then, so they can potentially get funding this year as the round ends in March. However, Mrs. Pearson explains that new comments and soil testing would constitute new evidence. Attorney Goldrosen, representing the town, explains that they may condition soil testing requirement, abiding by storm water conditions, and such. Chairwoman Pawlisheck feels that they do not have enough information to close or make a decision. Attorney Papoulias will be satisfied if their concerns can be addressed at the Conservation Committee. Attorney Goldrosen explains that the finalized plans can address his concerns. Mr. Murray suggests it is a few months' process to finalized plan.

Attorney Goldrosen explains that they cannot do anything until they have a decision. If they close, they will not take additional comments or evidence, but they can still discuss. They will close for new information and address all issues as conditions or closed.

Attorney Goldrosen asks about the length of the affordability and Attorney Haverty explains that the sale agreement was 50 years, so the Applicant can get their initial financing through tax credits and such. At the end of that period, the government can give new low interest loans to

allow the properties to be fixed up. Attorney Haverty explains that nonprofits do not frequently switch over to non-affordable housing.

Derek DePetrillo makes a motion to close the evidentiary meeting. Joseph Stucker seconds. Susan Pawlisheck votes to approve. Kevin Henderson, Linda Tremblay vote to disapprove. 3 in favor, 2 opposed. Motion passes as in a 40B the Board does not need a supermajority. This case continues to February 23rd, 2016 for discussion and deliberation.

Minutes

January 12th, 2016 minutes

Linda Tremblay makes a motion to accept the minutes as written. Kevin Henderson seconds the motion. Joseph Stucker, Linda Tremblay, Susan Pawlisheck vote to approve. 5 in favor, 0 opposed. Motion passes.

Correspondence

The Board received a cease and desist letter for Play All Day LLC, which the Board will be reviewing at the February 23rd, 2016 meeting.

Adjourn

Linda Tremblay motions to adjourn. Kevin Henderson seconds. Joseph Stucker, Derek DePetrillo, Susan Pawlisheck vote to approve. 5 in favor, 0 opposed. Motion passes. Meeting adjourned.

Date: _____

Susan Pawlisheck—Chairperson

Derek DePetrillo – Clerk

Kevin Henderson

Beth Gandelman

Linda Tremblay

Joseph Stucker

Respectfully submitted by Catherine Scott

Catherine Scott

Date